

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:23-CV-158

JASON H. KLOEPFER and ALISON
M. MAHLER

Plaintiffs,

v.

CHEROKEE COUNTY SHERIFF'S
DEPARTMENT, ET AL.

DEFENDANTS.

**DEFENDANTS JUSTIN SMITH,
JUSTIN JACOBS, DAVID
WILLIAMS, MILTON TEASDALE,
MITCHELL MORGAN, DREW
PAYNE, DENNIS DORE, CODY
WILLIAMS, NOLAN QUEEN,
JESSICA STILES, J.T. GRAY,
JASON HALL, DON LATULIPE,
ADAM ERICKSON, AND PAUL
FRY'S ANSWER TO PLAINTIFF'S
COMPLAINT**

Defendants Justin Smith, Justin Jacobs, David Williams, Milton Teasdale, Mitchell Morgan, Drew Payne, Dennis Dore, Cody Williams, Nolan Queen, Jessica Stiles, J.T. Gray, Jason Hall, Don Latulipe, Adam Erickson, and Paul Fry answer Plaintiff's Complaint as follows:

STATEMENT OF THE CASE

Defendants admit only that Plaintiff Jason Kloefer was shot by employees of the ECBI on December 13, 2022. Defendants further admit that Klopfoer's neighbor contacted 911 and reported that she heard noises from Plaintiff's house, and had video to prove it. Defendants further admit that Lt. Teadale presented a search warrant to a magistrate, that Jason received medical care after he was shot by ECBI employees, that Jason was charged with communicating threats and resisting arrest, and that two press releases were issued by Sheriff Smith. Except as so admitted, Defendants lack sufficient knowledge or information regarding the remaining allegations of this paragraph.

PARTIES

1. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

2. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

3. Defendants deny the allegations of this paragraph.

4. Defendants deny the allegations of this paragraph.

5. Defendants admit the allegations contained in paragraph 5 and subsections (b)(c) and (d) of this paragraph. Defendants deny the allegations in subsection (a).

6. Defendants admit only that Jacobs was employed by CCSD as a chief deputy on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph

7. Defendants admit only that David Williams was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

8. Defendants admit only that Teasdale was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

9. Defendants admit only that Morgan was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

10. Defendants admit only that Payne was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

11. Defendants admit only that Dore was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

12. Defendants admit only that Cody Williams was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

13. Defendants admit only that Queen was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

14. Defendants admit only that Stiles was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

15. Defendants admit only that J.T. Gray was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

16. Defendants admit only that Jason Hall was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

17. Defendants admit only that Don Latulipe was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

18. Defendants admit only that Adam Erickson was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

19. Defendants admit only that Paul Fry was employed by CCSD on December 13, 2022. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

20. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

21. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

22. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

23. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

24. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

25. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

26. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

27. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

28. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

29. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

30. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

31. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

32. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

33. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

34. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

35. Defendants admit the allegations of this paragraph.

WAIVER OF IMMUNITY

36. No response is necessary for this paragraph.

37. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

38. Defendants deny the allegations of this paragraph.

39. Defendants deny the allegations of this paragraph.

40. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

41. Defendants deny the allegations of this paragraph.

42. Defendants admit the allegations of this paragraph.

43. Defendants admit only that their immunity is waived to the extent of purchased insurance. Except as so admitted, Defendants deny the remaining allegations of this paragraph.

44. Defendants deny the allegations of this paragraph and subparagraphs.

45. Defendants deny the allegations of this paragraph and subparagraphs.

46. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

47. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

48. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

49. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

50. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

JURISDICTION AND VENUE

51. No response is necessary for this paragraph.

52. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

53. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

54. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

FACTS

55. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

56. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

57. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

58. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

59. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

60. Defendants admit the allegations of this paragraph.

61. Defendants admit the allegations of this paragraph.
62. Defendants admit the allegations of this paragraph.
63. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
64. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
65. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
66. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
67. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
68. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
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75. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

76. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

77. Defendants admit the allegations of this paragraph.

78. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

79. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

80. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

81. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

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83. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

84. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

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86. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

87. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

88. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

89. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

90. Defendants admit only that three deputies were dispatched to the Property around 11: 17 p.m.. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

91. Defendants admit the allegations of this paragraph.

92. Defendants admit only that they did not use the drive way on the property. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

93. Defendants admit only that they carried standard issued assault rifles. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

94. Defendants admit only that they did not have a search warrant. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

95. Defendants admit the allegations of this paragraph.

96. Defendants admit the allegations of this paragraph.

97. Defendants admit the allegations of this paragraph.

98. Defendants admit the allegations of this paragraph.

99. Defendants deny the allegations of this paragraph.

100. Defendants admit the allegations of this paragraph and subparagraphs.

101. Defendants deny the allegations of this paragraph.

102. Defendants deny the allegations of this paragraph.

103. Defendants deny the allegations of this paragraph.

104. Defendants deny the allegations of this paragraph.

105. Defendants deny the allegations of this paragraph.

106. Defendants admit the allegations of this paragraph.

107. Defendants admit the allegations of this paragraph.

108. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

109. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

110. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

111. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

112. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

113. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

114. Defendants admit the allegations of this paragraph.

115. Defendants admit the allegations of this paragraph.

116. Defendants admit the allegations of this paragraph.

117. Defendants deny the allegations of this paragraph.

118. Defendants admit only that they walked around the Property for several minutes. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

119. Defendants admit the allegations of this paragraph.

120. Defendants admit the allegations of this paragraph.

121. Defendants admit the allegations of this paragraph.

122. Defendants admit the allegations of this paragraph.

123. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

124. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

125. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

126. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

127. Defendants admit that they knocked on the door of the garage. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

128. Defendants admit the allegations of this paragraph.

129. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

130. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

131. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

132. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

133. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

134. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

135. Defendants admit the allegations of this paragraph.

136. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

137. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

138. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

139. Defendants admit only that they never made forcible entry into the home. Except as so admitted, Defendants deny the remaining allegations in this paragraph.

140. Defendants deny the allegations of this paragraph.

141. Defendants admit only that Sgt. Williams took a ladder and looked inside the garage. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

142. Defendants admit the allegations in this paragraph.

143. Defendants deny the allegations of this paragraph.

144. Defendants admit the allegations in this paragraph.

145. Defendants admit that they knocked on the door of the home. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

146. Defendants admit that Dore began obstructing the closed circuit surveillance cameras. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations in this paragraph.

147. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

148. Defendants admit the allegations in this paragraph.

149. Defendants deny the allegations of this paragraph.

150. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

151. Defendants admit only that Lt. Morgan talked with dispatch. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

152. Defendants deny the allegations in this paragraph.

153. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

154. Defendants admit only that Lt. Morgan arrived on the scene. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

155. Defendants admit the allegations in this paragraph.

156. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

157. Defendants admit the allegations in this paragraph.

158. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

159. Defendants admit only that Lt. Morgan contacted the dispatcher about a search warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

160. Defendants admit the allegations in this paragraph.

161. Defendants admit the allegations in this paragraph.

162. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

163. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

164. Defendants admit the allegations in this paragraph.

165. Defendants admit the allegations in this paragraph.

166. Defendants admit the allegations in this paragraph.

167. Defendants deny the allegations of this paragraph.

168. Defendants admit the allegations in this paragraph.

169. Defendants deny the allegations of this paragraph.

170. Defendants admit the allegations in this paragraph.

171. Defendants admit the allegations in this paragraph.

172. Defendants admit the allegations in this paragraph.
173. Defendants admit the allegations in this paragraph.
174. Defendants admit the allegations in this paragraph.
175. Defendants admit the allegations in this paragraph.
176. Defendants deny the allegations of this paragraph.
177. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
178. Defendants deny the allegations of this paragraph.
179. Defendants admit only that Buttery contacted the dispatcher about going to the Property. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.
180. Defendants deny the allegations of this paragraph.
181. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
182. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
183. Defendants admit only that Teasdale contacted the dispatcher about a search warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.
184. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

185. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

186. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

187. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

188. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

189. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

190. Defendants admit only that 10-73 means mental health. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

191. Defendants deny the allegations of this paragraph.

192. Defendants admit only that Captain Williams arrived on the Property. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

193. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

194. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

195. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

196. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

197. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

198. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

199. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

200. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

201. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

202. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

203. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

204. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

205. Defendants deny the allegations of this paragraph.

206. Defendants admit the allegations of this paragraph.

207. Defendants admit only that Erickson went to Ms. Floyd's house. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

208. Defendants admit only that a male answered Ms. Floyd's door. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

209. Defendants admit the allegations of this paragraph.

210. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

211. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

212. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

213. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

214. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

215. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

216. Defendants deny the allegations of this paragraph.

217. Defendants deny the allegations of this paragraph.

218. Defendants deny the allegations of this paragraph.

219. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

220. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

221. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

222. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

223. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

224. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

225. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

226. Defendants lack sufficient knowledge to form a belief as to the truth of the allegations of this paragraph.

227. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

228. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

229. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

230. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

231. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

232. Defendants deny the allegations of this paragraph.

233. Defendants deny the allegations of this paragraph.

234. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

235. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

236. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

237. Defendants deny the allegations of this paragraph.

238. Defendants admit only Teasdale applied for a search warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

239. Defendants admit the allegations of this paragraph.

240. Defendants admit the allegations of this paragraph.

241. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

242. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

243. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

244. Defendants admit the allegations of this paragraph.

245. Defendants admit the allegations of this paragraph.

246. Defendants deny the allegations of this paragraph.

247. Defendants deny the allegations of this paragraph.

248. Defendants deny the allegations of this paragraph.

249. Defendants admit the allegations of this paragraph.

250. Defendants deny the allegations of this paragraph.

251. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

252. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

253. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

254. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

255. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

256. Defendants admit the allegations of this paragraph.

257. Defendants deny the allegations of this paragraph.

258. Defendants deny the allegations of this paragraph.

259. Defendants deny the allegations of this paragraph.

260. Defendants deny the allegations of this paragraph.

261. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

262. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

263. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

264. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

265. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

266. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

267. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

268. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

269. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

270. Defendants admit only that Roger Neadeau Jr. executed a formal written request from CCSD. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

271. Defendants admit the allegations of this paragraph.

272. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

273. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

274. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

275. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

276. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

277. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

278. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

279. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

280. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

281. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

282. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

283. Defendants admit the allegations of this paragraph.

284. Defendants admit only that no arrest warrants were obtained prior to ECBI officers shooting Jason. Except as so admitted, Defendants deny the remaining allegations of this paragraph.

285. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

286. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

287. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

288. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

289. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

290. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

291. Defendants admit the allegations of this paragraph.

292. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

293. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

294. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

295. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

296. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

297. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

298. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

299. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

300. Defendants admit only that a drone robot was tossed through the door. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

301. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

302. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

303. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

304. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

305. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

306. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

307. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

308. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

309. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

310. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

311. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

312. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

313. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

314. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

315. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

316. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

317. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

318. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

319. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

320. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

321. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

322. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

323. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

324. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

325. Defendants admit only that ECBI officers, not CCSD deputies, opened fire. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

326. Defendants admit only that some of the shots fired by ECBI officers, not CCSD deputies, hit Jason, Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

327. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

328. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

329. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

330. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

331. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

332. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

333. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

334. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

335. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

336. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

337. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

338. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

339. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

340. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

341. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

342. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

343. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

344. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

345. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

346. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

347. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

348. Defendants admit only that Sheriff Smith issued a press release the next day. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

349. Defendants admit only that Chief Jacobs rode with Jason to the hospital. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

350. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

351. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

352. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

353. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

354. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

355. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

356. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

357. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

358. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

359. Defendants admit only that Chief Jacobs rode with Jason to the hospital. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

360. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

361. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

362. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

363. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

364. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

365. Defendants admit only that Ali was transported to the CCSD office. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

366. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

367. Defendants admit only that Ali was released from the CCSD office. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

368. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

369. Defendants admit only that warrants were taken out on Jason. Except as so admitted, Defendants deny the remaining allegations of this paragraph.

370. Defendants admit the allegations of this paragraph.

371. Defendants admit the allegations of this paragraph.

372. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

373. Defendants admit only that the charges against Jason were dismissed. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

374. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

375. Defendants admit the allegations of this paragraph.

376. Defendants deny the allegations of this paragraph.

377. Defendants admit the allegations of this paragraph.

378. Defendants deny the allegations of this paragraph.

379. Defendants deny the allegations of this paragraph.

380. Defendants deny the allegations of this paragraph.

381. Defendants deny the allegations of this paragraph.

382. Defendants admit the allegations of this paragraph.

383. Defendants deny the allegations of this paragraph.

384. Defendants deny the allegations of this paragraph.

385. Defendants deny the allegations of this paragraph.

386. Defendants admit the allegations of this paragraph.

387. Defendants deny the allegations of this paragraph.

388. Defendants admit the allegations of this paragraph.

389. Defendants deny the allegations of this paragraph.

390. Defendants admit the allegations of this paragraph.

391. Defendants deny the allegations of this paragraph.

392. Defendants admit the allegations of this paragraph.

393. Defendants deny the allegations of this paragraph.

394. Defendants admit the allegations of this paragraph.

395. Defendants deny the allegations of this paragraph.
396. Defendants admit the allegations of this paragraph.
397. Defendants deny the allegations of this paragraph.
398. Defendants admit the allegations of this paragraph.
399. Defendants deny the allegations of this paragraph.
400. Defendants admit the allegations of this paragraph.
401. Defendants deny the allegations of this paragraph.
402. Defendants admit the allegations of this paragraph.
403. Defendants deny the allegations of this paragraph.
404. Defendants admit the allegations of this paragraph.
405. Defendants deny the allegations of this paragraph.
406. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
407. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.
408. Defendants admit only that Sheriff Smith issued a press release. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.
409. Defendants admit that the Sheriff's website is accurately stated. Except as so admitted, Defendants deny the remaining allegations of this paragraph.
410. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

411. Defendants deny the allegations of this paragraph.

412. Defendants deny the allegations of this paragraph.

413. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

414. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

415. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

416. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

417. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

418. Defendants deny the allegations of this paragraph.

419. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

420. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

421. Defendants deny the allegations of this paragraph.

COUNT 1: VIOLATION OF 42 U.S.C. §1983: SHERIFF SMITH, CHIEF DEPUTY JACOBS, CAPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DETECTIVE QUEEN, DEPUTY STILES, DEPUTY GRAY, DEPUTY HALL, DEPUTY LATULIPE, DEPUTY ERICKSON, AND DEPUTY FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

422. No response is necessary for this paragraph.

423. Defendants admit the allegations of this paragraph.

424. Defendants deny the allegations in this paragraph.

425. Defendants deny the allegations in this paragraph.

426. Defendants deny the allegations in this paragraph.

427. Defendants deny the allegations in this paragraph.

428. Defendants deny the allegations in this paragraph.

429. Defendants deny the allegations in this paragraph.

430. Defendants deny the allegations in this paragraph.

431. Defendants deny the allegations in this paragraph.

432. Defendants deny the allegations in this paragraph.

433. Defendants deny the allegations in this paragraph.

434. Defendants deny the allegations in this paragraph.

435. Defendants deny the allegations in this paragraph.

436. Defendants deny the allegations in this paragraph.

437. Defendants deny the allegations in this paragraph.

438. Defendants deny the allegations in this paragraph.

439. Defendants deny the allegations in this paragraph.

440. Defendants deny the allegations in this paragraph.

441. Defendants deny the allegations in this paragraph.

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456. Defendants deny the allegations in this paragraph.

457. Defendants deny the allegations in this paragraph.

458. Defendants deny the allegations in this paragraph.

459. Defendants deny the allegations in this paragraph.

460. Defendants deny the allegations in this paragraph.

461. Defendants deny the allegations in this paragraph.

462. Defendants deny the allegations in this paragraph.

463. Defendants deny the allegations in this paragraph.

464. Defendants admit the allegations in this paragraph.

465. Defendants deny the allegations in this paragraph.

466. Defendants deny the allegations in this paragraph.

467. Defendants deny the allegations in this paragraph.

**COUNT 2: VIOLATION OF FEDERAL CIVIL RIGHTS LAWS UNDER
MONELL 42 U.S.C. §§ 1983 AND 1988: CCSD, SHERIFF SMITH, CHEIEF
DEPUTY JACOBS, CAPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT.
PAYNE, SGT. DORE, AND SGT. WILLIAMS (IN THEIR INDIVIDUAL AND
OFFICIAL CAPACITIES)**

468. No response is necessary for this paragraph.

469. Defendants admit the allegations of this paragraph.

470. Defendants admit the allegations of this paragraph.

471. Defendants deny the allegations of this paragraph.

472. Defendants deny the allegations in this paragraph.

473. Defendants deny the allegations in this paragraph.

474. Defendants deny the allegations in this paragraph.

475. Defendants deny the allegations in this paragraph.

476. Defendants deny the allegations in this paragraph.

477. Defendants deny the allegations in this paragraph.

478. Defendants deny the allegations in this paragraph.

479. Defendants deny the allegations in this paragraph.

480. Defendants deny the allegations in this paragraph.

481. Defendants deny the allegations in this paragraph.

482. Defendants deny the allegations in this paragraph.

483. Defendants deny the allegations in this paragraph.

484. Defendants deny the allegations in this paragraph.

485. Defendants deny the allegations in this paragraph.

486. Defendants deny the allegations in this paragraph and subparagraphs.

487. Defendants deny the allegations in this paragraph.

488. Defendants deny the allegations in this paragraph.

489. Defendants deny the allegations in this paragraph.

490. Defendants deny the allegations in this paragraph.

491. Defendants deny the allegations in this paragraph.

COUNT 3: NEGLIGENCE AND NEGLIGENCE PER SE; CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY(IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

492. No response is necessary for this paragraph.

493. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

494. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

495. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

496. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

497. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

498. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

499. This claim has been dismissed by the Court, so Defendants deny the allegations in this paragraph.

COUNT 4: GROSS NEGLIGENCE; CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

500. No response is necessary for this paragraph.

501. Defendants deny the allegations in this paragraph.

502. Defendants deny the allegations in this paragraph.

503. Defendants deny the allegations in this paragraph.

504. Defendants deny the allegations in this paragraph.

505. Defendants deny the allegations in this paragraph.

506. Defendants deny the allegations in this paragraph.

COUNT 5: ABUSE OF PROCESS BY CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

507. No response is necessary for this paragraph.

508. Defendants deny the allegations in this paragraph.

509. Defendants admit only that Frye swore out a warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph.

510. Defendants deny the allegations in this paragraph or subparagraphs.

511. Defendants deny the allegations in this paragraph.

512. Defendants admit only that Dore swore out a warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph.

513. Defendants deny the allegations in this paragraph and subparagraphs.

514. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

515. Defendants admit the allegations in this paragraph.

516. Defendants deny the allegations in this paragraph.

517. Defendants deny the allegations in this paragraph.

518. Defendants deny the allegations in this paragraph.

519. Defendants deny the allegations in this paragraph.

520. Defendants deny the allegations in this paragraph.

521. Defendants deny the allegations in this paragraph.

522. Defendants deny the allegations in this paragraph.

523. Defendants deny the allegations in this paragraph.

**COUNT 6: MALICIOUS PROSECUTION: CCSD, SHERIFF SMITH, CHIEF
DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT.
PAYNE, SGT. DORE, SGT. WILLIAMS, AND DEP. FRY (IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITIES)**

524. No response is necessary for this paragraph.

525. Defendants deny the allegations in this paragraph.

526. Defendants admit only that Frye swore out a warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph.

527. Defendants deny the allegations in this paragraph or subparagraphs.

528. Defendants deny the allegations in this paragraph.

529. Defendants deny the allegations in this paragraph.

530. Defendants admit only that Dore swore out a warrant. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph.

531. Defendants deny the allegations in this paragraph or subparagraphs.

532. Defendants deny the allegations in this paragraph.

533. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

534. Defendants admit the allegations in this paragraph.

535. Defendants deny the allegations in this paragraph.

536. Defendants deny the allegations of this paragraph.

537. Defendants deny the allegations in this paragraph.

538. Defendants deny the allegations in this paragraph.

539. Defendants deny the allegations in this paragraph.

540. Defendants deny the allegations in this paragraph.

541. Defendants deny the allegations in this paragraph.

COUNT 7: UNLAWFUL DETENTION: CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

- 542. No response is necessary for this paragraph.
- 543. Defendants deny the allegations in this paragraph.
- 544. Defendants deny the allegations in this paragraph.
- 545. Defendants deny the allegations in this paragraph.
- 546. Defendants deny the allegations in this paragraph.
- 547. Defendants deny the allegations in this paragraph.
- 548. Defendants deny the allegations in this paragraph.
- 549. Defendants deny the allegations in this paragraph.
- 550. Defendants deny the allegations in this paragraph.
- 551. Defendants deny the allegations in this paragraph.
- 552. Defendants deny the allegations in this paragraph.
- 553. Defendants deny the allegations in this paragraph.

COUNT 8: DEFAMATION: CCSD, SHERIFF SMITH, AND DARRELL BROWN (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

- 554. No response is necessary for this paragraph.
- 555. Defendants deny the allegations in this paragraph.
- 556. Defendants deny the allegations in this paragraph.
- 557. Defendants deny the allegations in this paragraph.
- 558. Defendants deny the allegations in this paragraph.

559. Defendants deny the allegations in this paragraph.
560. Defendants deny the allegations in this paragraph or subparagraphs.
561. Defendants deny the allegations in this paragraph.
562. Defendants deny the allegations in this paragraph.
563. Defendants deny the allegations in this paragraph.

COUNT 9: INTRUSION AND INVASION OF PRIVACY: CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

564. No response is necessary for this paragraph.
565. Defendants deny the allegations in this paragraph or subparagraphs.
566. Defendants deny the allegations in this paragraph.
567. Defendants deny the allegations in this paragraph.
568. Defendants deny the allegations in this paragraph.
569. Defendants deny the allegations in this paragraph.

COUNT 10: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS: CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

570. No response is necessary for this paragraph.
571. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

572. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

573. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

574. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

575. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

576. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

577. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

578. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

COUNT 11: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS: CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON AND DEP. FRY (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

579. No response is necessary for this paragraph.

580. Defendants deny the allegations in this paragraph.

581. Defendants deny the allegations in this paragraph.

582. Defendants deny the allegations in this paragraph.

583. Defendants deny the allegations in this paragraph.

**COUNT 12: NEGLIGENT HIRING SUPERVISION RETENTION BY CCSD,
SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT.
TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS (IN
THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)**

584. No response is necessary for this paragraph.

585. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

586. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

587. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph and subparagraphs.

588. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

589. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

590. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

591. This claim has been dismissed by the Court so Defendants deny the allegations of this paragraph.

592. This claim has been dismissed by the Court so Defendants deny the allegations in this paragraph.

COUNT 13: TRESPASS: CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON, DEP. FRY, EBCI, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, OFCR. SAMPSON, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

- 593. No response is necessary for this paragraph.
- 594. Defendants deny the allegations in this paragraph.
- 595. Defendants deny the allegations in this paragraph.
- 596. Defendants deny the allegations in this paragraph.
- 597. Defendants deny the allegations in this paragraph.
- 598. Defendants deny the allegations in this paragraph.

COUNT 14: CIVIL CONSPIRACY ENDORSED AND RATIFIED AFTER THE FACT; CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT. TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET. QUEEN, DEP. STILES, DEP. GRAY, DEP. HALL, DEP. LATULIPE, DEP. ERICKSON, DEP. FRY, EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, OFCR. SAMPSON, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

- 599. No response is necessary for this paragraph.
- 600. Defendants deny the allegations in this paragraph.
- 601. Defendants deny the allegations in this paragraph.
- 602. Defendants deny the allegations in this paragraph.
- 603. Defendants deny the allegations in this paragraph.

**COUNT 15: ASSAULT AND BATTERY BY EXCESSIVE USE OF FORCE:
CCSD, SHERIFF SMITH, CHIEF DEPUTY JACOBS, CPT. WILLIAMS, LT.
TEASDALE, LT. MORGAN, LT. PAYNE, SGT. DORE, SGT. WILLIAMS, DET.
QUEEN, EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET.
NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT.
RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER,
AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)**

604. No response is necessary for this paragraph.

605. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

606. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

607. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

608. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

609. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

610. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

611. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations of this paragraph.

612. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

613. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants deny the remaining allegations of this paragraph.

614. Defendants admit only that ECBI officers, not CCSD officers, shot Jason. Except as so admitted, Defendants deny the remaining allegations of this paragraph.

615. Defendants deny the allegations of this paragraph.

COUNT 16: VIOLATION OF 42 U.S.C. §1983 EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

616. No response is necessary for this paragraph.

617. Defendants admit the allegations of this paragraph.

618. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

619. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

620. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

621. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

622. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

623. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

624. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

625. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

626. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

627. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

628. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

629. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

630. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

631. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

632. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

633. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

634. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

635. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

636. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

637. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

638. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

639. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

640. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

641. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

642. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

643. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

644. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

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653. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

654. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

655. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

656. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 17: VIOLATION OF 42 U.S.C. §§ 1983 AND 1988 *MONEL* EBCL, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

657. No response is necessary for this paragraph.

658. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

659. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

660. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

661. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

662. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

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664. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

665. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

666. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

667. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

668. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

669. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

670. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

671. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

672. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

673. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

674. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

675. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

676. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

677. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

678. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

679. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

680. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 18: VIOLATION OF 42 U.S.C. §§ 1983 AND 1988 *BIVENS V. SIX UNKNOWN NAMED AGENTS OF FEDERAL BUREAU OF NARCOTICS*, 403 U.S. 388, 397, 91 S. CT. 1999, 29 L. ED 2D 619 (1971) EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

681. No response is necessary for this paragraph.

682. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

683. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

684. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 19: NEGLIGENCE AND NEGLIGENCE PER SE: EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

685. No response is necessary for this paragraph.

686. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

687. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

688. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

689. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

690. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

691. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

692. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

693. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

694. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 20: GROSS NEGLIGENCE EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)

695. No response is necessary for this paragraph.

696. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

697. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

698. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

699. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

700. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

701. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 21: INTRUSION AND INVASION OF PRIVACY: EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

702. No response is necessary for this paragraph.

703. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph or subparagraphs.

704. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

705. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

706. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

707. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 22: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS \EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

708. No response is necessary for this paragraph.

709. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

710. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

711. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

712. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

713. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

714. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

715. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 23: INTENTIONAL INVLICTION OF EMOTIONAL DISTRESS: EBCI, CHIEF NEADEAU, ASSISTANT CHIEF TAYLOR, LT. DET. NEADEAU, LT. FERGUSON, SWAT COMMANDER BUTTERY, DET. SGT. RAMIREZ, SGT. SMITH, DET. WOLFE, DET. MCKINNEY, OFCR. MESSER, AND OFCR. HARRIS (IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

716. No response is necessary for this paragraph.

717. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

718. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

719. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

720. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of this paragraph.

COUNT 24: ACTION ON BOND AND N.C. GEN. STAT. § 58-76-1, ET SEQ.;
OHIO CASUALTY INSURANCE COMPANY, AS SURETY

721. No response is necessary for this paragraph.

722. Defendants deny the allegations of this paragraph.

723. Defendants deny the allegations of this paragraph.

COUNT 25: PUNITIVE DAMAGES; ALL DEFENDANTS

724. No response is necessary for this paragraph.

725. Defendants deny the allegations of this paragraph.

726. Defendants deny the allegations of this paragraph.

727. Defendants deny the allegations of this paragraph.

728. Defendants deny the allegations of this paragraph.

FIRST AFFIRMATIVE DEFENSE

Defendants are entitled to qualified immunity for the individual capacity section 1983 claims asserted against them.

SECOND AFFIRMATIVE DEFENSE

Defendants are entitled to public official immunity for the individual capacity state tort claims asserted against them.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's state tort claim of defamation is barred by absolute and qualified privilege.

FOURTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs were found to have suffered damages, the damages were proximately caused by the intervening, joint, and/ or superseding acts and/ or omissions of persons or entities other than these Answering Defendants.

WHEREFORE, Defendants request that the Plaintiffs take nothing by way of their Complaint, for trial by jury, and for any other relief deemed appropriate by the Court.

This 15th day of December, 2023.

s/Sean F. Perrin

Womble Bond Dickinson (US) LLP

301 S. College Street, Ste. 3500

Charlotte, North Carolina 28202

Telephone: 704-331-4992

Facsimile: 704-338-7814

Sean.Perrin@wbd-us.com

Attorney for Defendants

